

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACOB IVAN SCHMITT,

Petitioner,

v.

HOWARD C. BARRON,

Respondent.

CASE NO. C23-1398JLR-MLP

ORDER

Before the court is *pro se* Petitioner Jacob Schmitt's motion to withdraw his petition for a writ of habeas corpus. (Mot. (Dkt. # 13).) Because Respondent Howard C. Barron has neither answered the petition nor filed a motion for summary judgment, the court will treat Mr. Schmitt's motion as a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and 41(a)(1)(B). The court having been notified of the dismissal of this matter and it appearing that no issue remains for the court's determination:

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1 IT IS ORDERED that this action and all claims asserted herein are DISMISSED  
2 without prejudice. The court DIRECTS the Clerk to close the case.

3 Dated this 26th day of September.

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6 JAMES L. ROBART  
7 United States District Judge  
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